

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

2008 SEP 16 AM 9:45

RW

UNITED STATES OF AMERICA)
)
v.) CR 608-22
)
EDWIN WILSON a.k.a. Amos)

PRELIMINARY ORDER OF FORFEITURE

IT IS HEREBY ORDERED THAT:

1. As the result of the guilty plea to a one count Information (Information No. CR608-22) charging a violation of 21 U.S.C. § 841(a)(1), Defendant Edwin Wilson shall forfeit to the United States \$10,697.00 in United States Currency pursuant to 21 U.S.C. § 853.

2. The Court has determined, based on evidence in the Plea Agreement, and testified to in detail during the factual basis portion of the defendant's Rule 11 proceeding, that the following property is subject to forfeiture pursuant to 21 U.S.C. § 853, and that the government has established the requisite nexus between such property and such offenses:

**Approximately \$10,697.00 in United States Currency seized from
defendant Edwin Wilson in Florida on June 27, 2007.**

3. Upon entry of this Order, the United States Marshall or its designee, is authorized to seize the above mentioned property, whether held by the defendant or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

5. The United States shall publish notice of the order and its intent to dispose of the property in such a manner as the United States may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the Subject Property. No such notice is required to the extent that this Order consists solely of a money judgment against the defendant. Rule 32.2(c)(1).

6. Any person, other than the above named defendant, asserting a legal interest in the \$10,697.00 in United States Currency may, within sixty days of the first date of publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

8. Any petition filed by a third party asserting an interest in the \$10,697.00 in United States Currency shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the \$10,697.00 in United States Currency, the time and circumstance of the petitioner's acquisition of the right, title or interest in the \$10,697.00 in United States Currency, any additional facts supporting the petitioner's claim and the relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rule of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the \$10,697.00 in United States Currency following

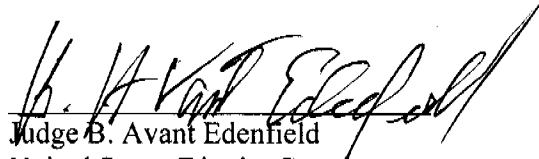
the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third-party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

12. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney, Darrin L. McCullough, United States Attorney's Office for the Southern District of Georgia, 100 Bull Street, Suite 201, Savannah, Georgia 31401.

IT IS SO ORDERED.

This 16 date of Sept. 2008.


Judge B. Avant Edenfield
United States District Court
Southern District of Georgia

Prepared by : Darrin L. McCullough
Assistant United States Attorney
Georgia Bar No:487011
100 Bull Street
Savannah, Georgia 31401
U.S. v. Edwin Wilson
CR 607-21